

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TIFFANY BURLESON,

Plaintiff,

v.

STANDARD INSURANCE
COMPANY,

Defendant

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C.A. NO. 1:16-cv-00020

EXHIBIT A - INDEX OF STATE COURT DOCUMENTS

1. Copy of the Civil Docket Sheet;
2. Plaintiff's Original Petition and Request for Disclosure, filed 11/05/15;
3. Citation to Standard Insurance Company issued 11/05/15;
4. Defendant's Original Answer filed 01/11/2016;
5. Citation to Standard Insurance Company with Affidavit of Service; filed 01/11/16.

Respectfully submitted,

By: s/ Ryan K. McComber

Ryan K. McComber

State Bar No. 24041428

FIGARI + DAVENPORT, LLP

901 Main Street, Suite 3400

Dallas, Texas 75202

Tel: (214) 939-2000

Fax: (214) 939-2090

ATTORNEYS FOR DEFENDANT
STANDARD INSURANCE
COMPANY

CERTIFICATE OF SERVICE

I certify that all attorneys deemed to accept service of the above-referenced document electronically will be notified via the Court's CM/ECF system and all others will be notified via certified mail, return receipt requested on this 13th day of January, 2016.

s/Ryan K. McComber
Ryan K. McComber

[Skip to Main Content](#) [Logout My Account](#) [Search Menu](#) [New Civil Search](#) [Refine Search](#) [Back](#)
Location : All Courts [Help](#)**REGISTER OF ACTIONS**

CASE No. 15-1094-C26

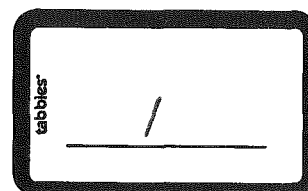
Tiffany Burleson vs. Standard Insurance Company

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§Case Type: **Contract - Other**Date Filed: **11/05/2015**Location: **26th Judicial District Court****PARTY INFORMATION**

Defendant	Standard Insurance Company	Lead Attorneys
Plaintiff	Burleson, Tiffany	Greg Reed <i>Retained</i> 512-454-4000(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS			
11/05/2015	Original Petition (OCA)		
11/05/2015	Request for Issuance		
11/05/2015	Citation		
	Standard Insurance Company	Served	12/15/2015
		Returned	01/11/2016
11/05/2015	Note (public)		
01/11/2016	Defendant's Original Answer		
01/11/2016	Return of Service		



1/13/2016

Filed: 11/5/2016 10:12:39 AM
Lisa David, District Clerk
Williamson County, Texas
Angela Garcia

15-1094-C26
CAUSE NO. _____

TIFFANY BURLESON
Plaintiff

v.

STANDARD INSURANCE
COMPANY
Defendant

IN THE DISTRICT COURT

OF WILLIAMSON COUNTY, TEXAS

Williamson County - 26th Judicial District Court

_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES TIFFANY BURLESON, Plaintiff herein, complaining of STANDARD INSURANCE COMPANY (hereinafter referred to as "The Standard"), and in support thereof would show the following:

I.

Pursuant to T.R.C.P. 190.1, Plaintiff asserts that this case is to be governed by the Level 3 discovery plan.

II.

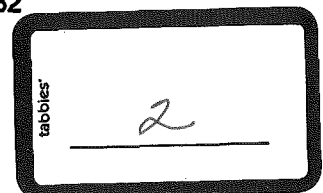
Venue is appropriate in this County pursuant to §15.002(a)(1) and 15.032 of the Texas Civil Practice and Remedies Code.

III.

The incident giving rise to this suit occurred in Round Rock, Williamson County, Texas, where Plaintiff resides.

Defendant, Standard Insurance Company, is an insurance corporation duly and legally formed under the laws of Oregon, which does business in the State of Texas, and may be served with citation

Envelope# 7695182



by serving its registered agent, C.T. Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 74201, pursuant to V.T.C.A., Insurance Code § 804.101, et seq., or by sending a copy of the petition by registered or certified mail, return receipt requested, WITH DELIVERY RESTRICTED TO THE ADDRESSEE ONLY, pursuant to T.R.C.P. 106(a)(2).

IV.

All conditions precedent to any recovery herein have been performed or have occurred. Pursuant to T.R.C.P. 93.12 Plaintiff gave notice of the claim and timely proof of claim. The Standard issued its denial on January 4, 2013.

V.

This is a suit for benefits under a long term disability policy. Plaintiff was an insured under policy number between Pflugerville Independent School District and Defendant. It has become necessary to bring this suit due to the failure of The Standard to honor its insurance agreement with Plaintiff. Plaintiff properly presented her claim under the policy. The Standard, without legal justification, denied the claim and in so doing, breached its contract with Plaintiff and violated certain provisions of the Texas Insurance Code.

VI.

Plaintiff worked as a teacher for Pflugerville Independent School District. She suffers from post-traumatic stress disorder, major depression, and anxiety. Her last day of work was November 2, 2012. She filed for disability benefits with The Standard alleging a November 5, 2012 onset date.

VII.

The Standard entered into an insurance contract with Plaintiff providing disability payments to Plaintiff. Plaintiff became disabled on or about November 5, 2012 and continues to be totally

disabled. Plaintiff properly submitted a claim for benefits but said claim was denied. Plaintiff pursued her administrative appeals and received her final appeal denial on June 6, 2013. The Standard breached its insurance contract with Plaintiff and committed violations of the Texas Insurance Code requiring Plaintiff to file this action.

VIII.

The facts stated above give rise to the following causes of action:

A. Breach of Contract

The conduct described above constitutes a breach of the insurance contract. This Plaintiff has incurred a loss covered under the contract. Plaintiff properly submitted a claim under the contract and Defendant, without legal justification, denied the claim. Plaintiff seeks to recover damages, attorney fees, court costs, and expenses. \$38,001, et. Seq. Texas Civil Practice and Remedies Code.

B. Violation of the Texas Insurance Code

In addition to breaching its contract of insurance, The Standard violated certain provisions of the Texas Insurance Code. Defendant engaged in unfair, deceptive acts, and made material misrepresentations to Plaintiff about the terms of the contract and of the benefits payable under the contract. As a result of Defendant's conduct, Plaintiff was compelled to hire an attorney and institute this law suit.

1. Section 541.060 (a)(2)(A) – Defendant failed to attempt in good faith to effectuate a prompt, fair, and equitable settlement of a claim with respect to which its liability was reasonably clear.
2. Section 541.060 (a)(7) – Defendant refused to pay a claim without

conducting a reasonable investigation with respect to the claim.

3. Section 542.003 (b)(3) – Defendant failed to adopt and implement reasonable standards for the prompt investigation of claims arising under its policy.
4. Section 542.003 (b)(4) – Defendant did not attempt in good faith to effect a prompt, fair, and equitable settlement of a claim submitted in which liability was reasonably clear.
5. Section 542.003 (b)(5) – Defendant compelled Plaintiff to institute a suit to recover an amount due under the policy by offering substantially less than the amount recovered at trial.

C. Damages Under the Texas Insurance Code

The above violations alleged under Section 541 are defined to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance. Plaintiff is, therefore, entitled under the Insurance Code to recover her damages plus treble damages, plus attorney's fees, and interest. Tex. Ins. Code § 541.152. The above violations alleged under Section 542 are defined to be an unfair claim settlement practice. Plaintiff is, therefore, entitled under the Insurance Code to recover her damages, plus attorney's fees, and interest at a rate of 18%. Tex. Ins. Code § 542.060.

D. Declaratory Judgment

Plaintiff's selected maximum monthly benefit under the policy is \$2,300.00. Minimum benefits under the policy are 25 percent of the recipient's pre-offset

disability benefit - \$575.00 in Plaintiff's case. Plaintiff and her minor son and daughter were approved for Social Security disability benefits effective February 2013. Plaintiff's Social Security disability benefit was approved at \$1,276.00 per month and each of her minor children were approved for \$319.00 per month in benefits through April 2015. Effective April, 2015, Plaintiff's daughter is no longer her dependent. For the period November 5, 2012 to February, 2013, Plaintiff is owed \$6,900.00 in back benefits. For the period February 2013 to April 2015, she is owed \$14,912.10 in back benefits. For the period April 2015 to November 5, 2015, she is owed \$4,935.21 in back benefits. All told, Plaintiff is owed \$26,747.21 in back benefits. Pleading further, Plaintiff would show that she is entitled to declaratory relief, pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code. The conduct of Defendant as described above, created uncertainty, and insecurity with respect to Plaintiff's rights, status, and other legal relations with Defendant. Plaintiff, therefore, requests this Court exercise its power afforded under § 37.001 et. Seq. of the Texas Civil Practice and Remedies Code, and declare the specific rights and status of the parties herein. Specifically, plaintiff requests this Court review the facts and attending circumstances and declare that she is disabled as that term is defined by the policy and is entitled to benefits under the policy.

DAMAGES

Plaintiff is entitled to benefits. Plaintiff believes the contract damages will exceed \$50,000.00

REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are requested to disclose, within (50) days of the service of this Request, the information or material described in Rules 194.2(a)-(1).

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear herein and answer and that on final hearing, Plaintiff have judgment against Defendants for her damages, plus pre-judgment and post-judgment legal interest, for costs of suit, and for such other and further relief, both general and special, at law or in equity, to which Plaintiff may show herself justly entitled under the attending facts and circumstances.

Respectfully submitted,

Bemis, Roach & Reed
4100 Duval Rd.,
Bldg. 1, Ste. 200
Austin, Texas 78759
(512) 454-4000
(512) 453-6335 (facsimile)
greg@brrlaw.com

By: _____


GREG REED
State Bar No. 16677750

CITATION
THE STATE OF TEXAS, COUNTY OF WILLIAMSON
NO. 15-1094-C26

TIFFANY BURLESON VS. STANDARD INSURANCE COMPANY

TO: Standard Insurance Company
 By Serving its Registered Agent, C. T. Corporation System
 1999 Bryan St., Ste. 900
 Dallas, Texas 74201

12/15 by
C.M.

DEFENDANT in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment for the relief demanded in the petition may be taken against you.

Attached is a copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE in the above styled and numbered cause, which was filed on the 5th day of November, 2015 in the 26th Judicial District Court of Williamson County, Texas. This instrument describes the claim against you.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office on this the 5th day of November, 2015.

ADDRESS OF LEAD ATTORNEY FOR PLAINTIFF:

Greg Reed
 4100 Duval Road
 Bldg I Ste 200
 Austin TX 78759



LISA DAVID, DISTRICT CLERK
 Williamson County, Texas
 P. O. Box 24, 405 M.L.K. Street
 Georgetown, Texas 78627-0024

BY: *Angela Garcia*
 Angela Garcia, Deputy

RETURN OF SERVICE

Came to hand on the ____ day of ____, 20__ at ____ o'clock __ M. and executed at ____ within the County of ____, at ____ o'clock __ M. on the ____ day of ____, 20__, by delivering to the within named ____, in person a true copy of this citation, with a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE attached thereto, having first endorsed on such copy of citation the date of delivery.
 * **NOT EXECUTED**, the diligence used to execute being (show manner of delivery) ____; for the following reason ____

the defendant may be found at ____
 *Strike if not applicable.

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY _____ COUNTY, TEXAS
 _____ SHERIFF/CONSTABLE BY: _____ DEPUTY

FEE FOR SERVICE OF CITATION : \$ _____

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return.

My name is _____, my date of birth is _____, and my address is _____
 Please print. (First, Middle, Last) (Street, City, Zip).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the ____ day of ____, 20__.

Declarant/Authorized Process Server

ID # & expiration of certification

RETURN ORIGINAL TO WILLIAMSON COUNTY DISTRICT CLERK

ORIGINAL

tabbles

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Filed: 1/11/2016 1:43:23 PM
Lisa David, District Clerk
Williamson County, Texas
Michele Rodriguez

CAUSE NO. 15-1094-C26

TIFFANY BURLESON,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
V.	§	WILLIAMSON COUNTY, TEXAS
	§	
STANDARD INSURANCE	§	
COMPANY,	§	
	§	
Defendant.	§	26 TH JUDICIAL DISTRICT

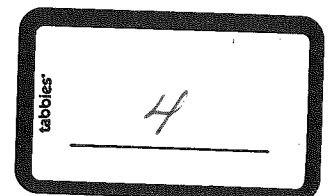
DEFENDANT'S ORIGINAL ANSWER

Defendant Standard Insurance Company ("Standard") files its original answer, and states:

1. **General Denial.** Subject to such admissions and stipulations as may be made at or before time of trial, Standard denies generally and specially the material allegations in Plaintiff's Original Petition and Request for Disclosure, pursuant to TEX. R. CIV. P. 92, and demands strict proof thereof in accordance with the requirements of the laws of this state.

2. **Relief Requested.** Standard requests the following relief:

- (a) That Plaintiff take nothing by reason of her suit;
- (b) That Standard be dismissed with its costs; and
- (c) That Standard have such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.



Respectfully submitted,

By: s/ Ryan K. McComber
Ryan K. McComber
State Bar No. 24041428
Ryan.mccomber@figdav.com

FIGARI + DAVENPORT, LLP
901 Main Street, Suite 3400
Dallas, Texas 75202
Telephone: (214) 939-2000
Facsimile: (214) 939-2090

ATTORNEYS FOR DEFENDANT
STANDARD INSURANCE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument has been served on the following counsel of record via electronic filing on January 11, 2016:

Greg Reed
BEMIS, ROACH & REED
4100 Duval Road
Bldg. 1, Suite 200
Austin, Texas 78759

Via E-File: Efile.TXCourts.gov

s/ Ryan K. McComber
Ryan K. McComber

Filed: 1/11/2016 2:20:30 PM
 Lisa David, District Clerk
 Williamson County, Texas
 Michele Rodriguez

CITATION
THE STATE OF TEXAS, COUNTY OF WILLIAMSON
NO. 15-1094-C26

TIFFANY BURLESON VS. STANDARD INSURANCE COMPANY

TO: Standard Insurance Company
 By Serving its Registered Agent, C. T. Corporation System
 1999 Bryan St., Ste. 900
 Dallas, Texas 74201

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ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office on this the 5th day of November, 2015.

ADDRESS OF LEAD ATTORNEY FOR PLAINTIFF:

Greg Reed
 4100 Duval Road
 Bldg1 Ste 200
 Austin TX 78759



LISA DAVID, DISTRICT CLERK
 Williamson County, Texas
 P. O. Box 24, 405 M.L.K. Street
 Georgetown, Texas 78627-0024

BY: _____

Angela Garcia, Deputy

RETURN OF SERVICE

Came to hand on the ____ day of _____, 20____, at ____ o'clock ____ M. and executed at _____, within the County of _____, at ____ o'clock ____ M. on the ____ day of _____, 20____, by delivering to the within named _____, in person a true copy of this citation, with a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE attached thereto, having first endorsed on such copy of citation the date of delivery. * **NOT EXECUTED**, the diligence used to execute being (show manner of delivery) _____; for the following reason _____

the defendant may be found at _____

**Strike if not applicable.*

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY _____ COUNTY, TEXAS

 SHERIFF/CONSTABLE BY _____ DEPUTY

FEE FOR SERVICE OF CITATION: \$ 105.00

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return.

My name is _____, my date of birth is _____, and my address is _____
 Please print. (First, Middle, Last) (Street, City, Zip).

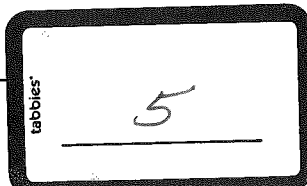
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the ____ day of _____, 20____.

Declarant/Authorized Process Server

ID # & expiration of certification

RETURN ORIGINAL TO WILLIAMSON COUNTY DISTRICT CLERK



ORIGINAL
 Envelope# 8551624

AFFIDAVIT OF SERVICE

State of Texas

County of Williamson

26th Judicial District Court

Case Number: 15-1094-C26

Plaintiff:

Tiffany Burleson

vs.

Defendant:

Standard Insurance Company

For:

Bemis Roach & Reed

Received by The Legal Connection, Inc. on the 15th day of December, 2015 at 9:34 am to be served on Standard Insurance Company by serving its registered agent, CT Corporation System, 1999 Bryan Street, Ste. 900, Dallas, TX 75201. I, Caleb Malone, being duly sworn, depose and say that on the 15 day of December, 2015 at 2:10 P.m., executed service by delivering a true copy of the Citation and Plaintiff's original Petition and Request for Disclosure in accordance with state statutes in the manner marked below:

() PUBLIC AGENCY: By serving _____ as _____ of the within-named agency.

() SUBSTITUTE SERVICE: By serving _____ as _____

☒ CORPORATE SERVICE: By serving Tracie Hollywood as process specialist

() OTHER SERVICE: As described in the Comments below by serving _____ as _____

() NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: _____

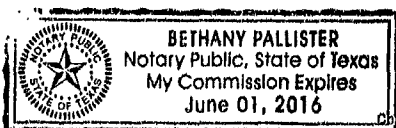
I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 15 day of December, 2015 by the affiant who is personally known to me.

Bethany Pallister
NOTARY PUBLIC

al
PROCESS SERVER # SCH1574 exp 10/31/17
Appointed in accordance with State Statutes

The Legal Connection, Inc.
7103 Oak Meadow
Suite A
Austin, TX 78736
(512) 892-5700
Our Job Serial Number: 2015006602



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